



CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 4, 2024

Morgan Schultz, Corporate Counsel
Ruan Transport - Hagerman
7723 Comax Road
Hagerman, NM 88232

RE: Draft Discharge Permit Renewal and Modification, DP-1728, Ruan Transport - Hagerman

Dear Morgan Schultz:

The New Mexico Environment Department (NMED) hereby provides notice to you of the proposed approval of Ground Water Discharge Permit Renewal and Modification, DP-1728, (copy enclosed), pursuant to Subsection H of 20.6.2.3108 NMAC. NMED will publish notice of the availability of the draft Discharge Permit in the near future for public review and comment and will forward a copy of that notice to you.

Prior to making a final ruling on the proposed Discharge Permit, NMED will allow 30 days from the date the public notice is published in the newspaper for any interested party, including the Discharge Permit applicant, i.e., yourself, to submit written comments and/or a request a public hearing. A hearing request shall set forth the reasons why a hearing is requested. NMED will hold a hearing in response to a timely hearing request if the NMED Secretary determines there is substantial public interest in the proposed Discharge Permit.

Please review the enclosed draft Discharge Permit carefully. Please be aware that this Discharge Permit may contain conditions that require the permittee to implement operational, monitoring or closure actions by a specified deadline.

Please submit written comments or a request for hearing to my attention at the address below, through the online portal accessible at <https://nmed.commentinput.com/comment/search> or via email to amanda.otieno@env.nm.gov, or acs.general@state.nm.us. If NMED does not receive written comments or a request for hearing during the public comment period, the draft Discharge Permit will become final.

Thank you for your cooperation during the review process. Feel free to contact me with any questions at amanda.otieno@env.nm.gov or acs.general@env.nm.gov

Sincerely,

Amanda Otieno

SCIENCE | INNOVATION | COLLABORATION | COMPLIANCE

Ground Water Quality Bureau | 1190 Saint Francis Drive, PO Box 5469, Santa Fe, New Mexico 87502-5469

Telephone (505) 827-2900 | www.env.nm.gov/gwqb/

Water Resources Professional

Enc: Draft Discharge Permit Renewal and Modification, DP-1728

cc: Jason Shultz, Service Manager, jshultz@ruan.com
ACS Reading File



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Draft: August 4, 2024

**GROUND WATER QUALITY BUREAU
GENERAL DISCHARGE PERMIT – MODIFICATION
Issued under 20.6.2 NMAC**

Facility Name: Ruan Transport - Hagerman
Discharge Permit No: DP-1728
Permittee Name: Morgan Schultz
Mailing Address: 3100 Ruan Center 666 Grand Ave
Des Moines, IA 50309

Facility Location: 7723 Comox Road
Section 13, Township 14 South, Range 25 East
County: Chaves

Permitting Action: Modification
Source Classification: Industrial – Truck Washing

Permit Issuance Date: DATE
Permit Expiration Date: DATE

NMED Permit Contact: Amanda Otieno
Telephone Number/Email: (505) 819-1219/ amanda.otieno@env.nm.gov or
Main Bureau/Section Contact (505) 827-2900/ acs.general@env.nm.gov

JUSTIN BALL
Chief, Ground Water Quality Bureau
New Mexico Environment Department

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PART A GENERAL INFORMATION

A100 Introduction

- A. The New Mexico Environment Department (NMED) issues this General Discharge Permit Modification (Discharge Permit)], **DP-1728**, to Morgan Schultz (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from Ruan Transport - Hagerman (Facility) for the protection of groundwater and those segments of surface water gaining from groundwater inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.
- B. The Permittee is discharging up to 7,000 gallons per day (gpd) of effluent from Ruan Transport - Hagerman. This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (TDS) within the meaning of Subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.
- C. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of Subsection C of 20.6.2.3109 NMAC. Pursuant to Section 20.6.2.3104 NMAC, it is the Permittee's responsibility to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A101 Terms of Permit Issuance

- A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and Subsection H of 20.6.2.3109 NMAC, the term of a Discharge Permit shall be for the fixed term of **five years** from the effective date of the Discharge Permit. Modification to an existing Discharge Permit does not change these terms.
- B. **Permit Modification** - Modification to existing DP-1728 represented herein consists of a change in the location of the discharge from Woodcrest Dairy

DP-635 to Chase Farms Composting Facility. The discharge site at Woodcrest Dairy will no longer be authorized following the effective date of this discharge permit. A notice of intent was received, and no discharge permit was issued for Chase Farms Composting Facility located at 7591 Cherokee, Hagerman NM 88232.

- C. **Permit Fees** – Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge Permit. Nothing in this Discharge Permit relieves the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]
- D. **Permit Renewal** - To renew this Discharge Permit, the Permittee shall submit, in accordance with 20.6.2.3106 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.
- E. **Transfer of Ownership** - This Discharge Permit is being issued to Morgan Schultz as identified in **Section A100** above. In accordance with Section 20.6.2.3111 NMAC, the Permittee, any listed owner(s) of record, and any [other] holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with Section 20.6.2.3111(A).

A102 Applicable Regulations

- A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated from facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC.
- B. The discharge from the facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.
- C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of Sections 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.

- D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or Permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

A103 Facility: Physical Description

- A. This facility is located at 7723 Comax Rd, in Hagerman, Section 13, Township 14 South, Range 25 East, Chaves County.
- B. This facility is comprised of the following wastewater system components as identified in the application dated November 14, 2023, and the administrative record which includes the original Discharge Permit issued on November 23, 2015, and subsequently modified on November 26, 2018, and May 26, 2021, as of the effective date of this Discharge Permit:
 - 1. Wastewater storage system:
 - a. **Oil/water separator** – a concrete tank used to collect wastewater prior to being stored and transferred in the 7,000 gallon tanker truck. The separator is located underground at the south end of the washing bay at the facility. Constructed in 1997, it has a current storage capacity of 300 gallons.
 - b. **7,000 Gallon Tanker Truck** – the 7,000 gallon capacity stainless steel tanker truck is used to store wastewater prior to being transferred for offsite disposal at Chase Farms Compost Facility.

These system components identified are potential sources of groundwater contamination. **Section B100** lists all wastewater system components authorized to discharge under this Discharge Permit.

A104 Facility: Documented Hydrogeologic Conditions

- A. Groundwater most likely to be affected at this facility is at a depth of approximately 120 feet and had a total dissolved solids concentration of 3,110 milligrams per liter.

PART B DISCHARGE REQUIREMENTS

B100 Facility: Authorized Discharge

- A. NMED authorizes the Permittee to discharge water contaminants as part of facility operations subject to the following requirements:
 - 1. The permittee is authorized to discharge up to 7,000 gpd of wastewater from the truck washing bay. Wastewater collects from the wash bay, draining to an underground 300-gallon oil water separator and is pumped through PVC pipe to a 7,000 gallon stainless steel tanker truck for storage. Wastewater is transported via the tanker truck approximately 2 miles south to Chase Farms Composting Facility. The wastewater is transferred to holding tanks on site, and ultimately applied to windrowed compost piles.

Oil and solids are manually removed from the oil water separator and hauled offsite in accordance with state and federal regulations.

2. The Permittee is authorized to use the following impoundments for the following purposes in accordance with Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC:

- a. **Oil water separator** – authorized to receive wastewater for collection prior to transfer to the tanker truck. This system *exists* as of the effective date of this Discharge Permit
- b. **7,000 Gallon Tanker Truck** – authorized to receive wastewater for storage prior to offsite disposal. There are three retired tanker trucks on site used for this purpose. This system *exists* as of the effective date of this Discharge Permit

The Permittee is authorized to apply wastewater to windrowed compost piles at Chase Farms Composting Facility in accordance with Subsection C of 20.6.2.3109 NMAC.

- B. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges, such as spills or leaks must be reported to NMED in a corrective action conducted pursuant to Section 20.6.2.1203 NMAC.

B101 Existing System Controls

A. The following existing system controls at this facility shall be required as described below:

1. **Wastewater Storage System** - The Permittee shall maintain operations of the existing tanks as listed in **Section A103** above in accordance with conditions listed in **Table B2** to achieve compliance with this Discharge Permit. The wastewater tanks shall be designed to achieve compliance with the storage capacity requirements of Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC.
2. **Flow Meter** – There are no flow meters on site. The facility tracks the number of tanker trucks hauled to Chase Farms Compost Facility, estimating the wastewater discharge volumes by tracking the number of tanker trucks hauled. A scale will be used at Chase Farms Compost Facility for a secondary metering method, prior to discharge to the above ground tanks on site.
3. **Monitoring Wells** - The facility uses the following monitoring wells to supply data representative of groundwater quality [Subsection A of 20.6.2.3107 NMAC]:
 - a. **Production Well** - hydrologically upgradient of all contamination sources at the Ruan Transport - Hagerman facility.

B102 Conditions for Operation

- A. NMED has reviewed the permit application for the proposed facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General conditions for all Discharge Permits issued by the Ground Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on **Table B1**. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a

facility discharge permit (as listed in this part) and facility-specific conditions as listed are mandated to assure continued compliance.

Table B1
General Discharge Permit Conditions:

Engineering and Surveying
a) None required.
Operations and Maintenance
b) Operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.
c) Maintain all fencing around the facility to control access by the general public and animals.
d) Maintain all signage indicating that the wastewater at the facility is not potable. All signage shall be printed in English and Spanish and shall remain visible and legible.
e) Repair or replace compromised pipe(s) or fixture(s) within 72 hours of discovery.
Inspection and Monitoring
f) Visually inspect all facility pipes and fixtures on a weekly basis for evidence of leaks or failure. [20.6.2.3107 NMAC]
Recordkeeping and Reporting
g) Maintain written records at the facility of any inspection(s), repairs and maintenance conducted on facility infrastructure as related the wastewater management system.
h) Conduct the monitoring, reporting, and other requirements in accordance with the monitoring requirements of this Discharge Permit. [Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]
i) Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC
j) Unless otherwise identified in this Discharge Permit, submit monitoring reports to NMED semi-annually according to the following schedule: [Subsection A of 20.6.2.3107 NMAC]
<ul style="list-style-type: none"> • January 1 through June 30 – report by August 1 (Semi Annual) • July 1 through December 31 – report by February 1 (Semi Annual)
k) Retain required records for a minimum period of five years from the date of any sample collection, measurement, report or application in accordance with 20.6.2.3107 NMAC, 74-6-5 WQA.

B. **Impoundment(s)** - The Permittee shall manage all impoundments at the facility in accordance with 20.6.2.3107 and 20.6.2.3109 NMAC and the conditions summarized in **Table B2** below.

Table B2
Wastewater Storage System

Engineering, Surveying and Construction and/or Improvements
a) None required.

Table B2
Wastewater Storage System

Operations and Maintenance of All Impoundments
<p>b) The permittee shall operate and maintain the 300-gallon oil water separator for the purpose of managing wastewater at the facility. In order to maintain the required capacity, solids shall be removed from the tank as needed in a manner that is protective of the sump and drainage system. Solids shall be stored and transported off-site in accordance with the conditions of local, state, and federal regulations.</p>
Inspection and Monitoring All Impoundments
<p>c) Visually inspect pipes and fixtures on a weekly basis for evidence of leaks or failure. In areas where pipes and fixtures cannot be visually inspected because they are buried, visually inspect the area directly surrounding the features for evidence of leaks or failure (e.g., saturated surface soil, surfacing wastewater, etc.).</p> <p style="padding-left: 40px;">* The Permittee shall collect composite wastewater samples on a semi-annual (as applicable to seasonal production facilities) basis from the tanker trucks used for wastewater storage and transfer. The composite sample shall consist of a minimum of six equal aliquots. Each aliquot shall be collected on an hourly basis and mixed thoroughly. The composite sample shall be analyzed for NO₃-N, TKN, TDS, SO₄ and Cl. The Permittee shall record the sampling date, time production started, time of the first grab sample, time of second grab sample, time of third grab sample, and time production ended on a Wastewater Sampling Log (copy enclosed). The Wastewater Sampling Log, analytical results and laboratory reports shall be submitted to NMED in the Semi-Annual Monitoring Report.</p> <p>ci) In the event that a cross-connection with fresh water exists, the Permittee shall institute a backflow prevention method to protect wells and public water supply systems from contamination by wastewater prior to discharging to the land application area. Backflow prevention shall be achieved by a total disconnect (physical air gap separation between the discharge pipe and the liquid surface at least twice the diameter of the discharge pipe), or by a reduced pressure principal backflow prevention assembly (RP) installed on the line between the fresh water supply wells or public water supply and the wastewater delivery system. Backflow prevention shall be maintained at all times.</p>
Recordkeeping and Reporting All Impoundments
<p>e) Report any unauthorized discharges to NMED pursuant to 20.6.2.1203 NMAC.</p> <p>f) Unless otherwise specified in this Discharge Permit, submit all monitoring information in accordance with the general reporting schedule listed in Table B1 of this Discharge Permit.</p> <p>g) Notify NMED within 24 hours of discovery of any observed impoundment condition(s) that may impact the structural integrity of a berm or liner or that may result in an unauthorized discharge. [20.6.2.3107 NMAC]</p> <p>h) Maintain written records at the facility of all facility inspections including repairs and replacements.</p>

C. Solids Management - The Permittee shall manage all solids at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B4** below.

**Table B3
 Solids Management**

Engineering and Surveying
a) None Required
Operations and Maintenance All Land Application Areas
b) The Permittee shall inspect the oil water separator quarterly for the accumulation of oil and solids. If oil or solids have accumulated to greater than 75% of the working capacity of the separator, the contents shall be pumped by a licensed hauler immediately. Oil or solids shall not be disposed of on site, they must be contained, transported, and disposed of offsite in accordance with all local, state, and federal regulations.
Inspection and Monitoring All Land Application Areas
c) The Permittee shall maintain separator inspection and pumping records (copies of receipts or invoices) and include them in the semi-annual reporting. The Permittee shall document all inspection findings and repairs made to the separator in a log kept on-site that is available to NMED upon request.
Recordkeeping and Reporting All Land Application Areas
d) The Permittee shall, at all times, have the log for the sump inspections, repairs, and cleanings available for NMED upon request.

D. Flow Meters – Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee shall employ a flow metering system that uses flow measurement devices (flow meters) to measure the volume(s) of 1) wastewater discharged from the production area and 2) wastewater transferred and land applied at the facility. All flow meters employed at the facility shall be managed in accordance with the conditions listed in **Table B4** below.

**Table B4
 Flow Meters**

Engineering and Surveying
a) None required.
Operations and Maintenance
b) None required.
Inspection and Monitoring
c) The Permittee shall provide evidence of the volume of the tank truck and count the number of loads transported and discharged to the wastewater above ground storage tanks at Chase Farms Compost Facility. Partial loads shall be measured via a sight gauge, dipstick, or other approved method. The permittee shall record the following information on the manifest: <ul style="list-style-type: none"> • Date of transport and discharge • Volume of wastewater discharge • Monthly discharge volume summary • Tanker Truck weigh in and weigh out

**Table B4
 Flow Meters**

<ul style="list-style-type: none"> Signature of Ruan Transport – Hagerman site manager verifying disposal <p>Using the manifest, the Permittee shall determine the monthly volume of wastewater discharged to the above ground storage tanks at Chase Farms Composting Facility. The monthly volumes and copies of the manifests shall be submitted to NMED in the Semi-Annual Monitoring Report.</p>
Recordkeeping and Reporting
d) The Permittee shall maintain a copy of the wastewater discharge manifest (physical hard copy or electronic hard copy) to Chase Farms Compost Facility. The manifest shall be available at all times for NMED.

- C. **Monitoring Well(s)** - Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee is required to install monitoring wells at appropriate depths and locations to monitor groundwater quality. The approved groundwater monitoring well system at the facility is detailed in **Table B5** below.

**Table B5
 Groundwater Monitoring Wells**

Engineering and Surveying
a) None required.
Operations and Maintenance
b) None required.
Inspection and Monitoring
<p>c) Perform semi-annual groundwater sampling for all facility monitoring wells as identified in Section B101 A.3 and analyze the samples for dissolved TKN, NO₃-N, TDS, SO₄, and Cl. Groundwater sample collection, preservation, transport, and analysis shall be performed according to the following procedure:</p> <ul style="list-style-type: none"> Purge three well volumes of water from the well prior to sample collection. Obtain samples from the well for analysis. Properly prepare, preserve, and transport samples. Analyze samples in accordance with the methods authorized in this Discharge Permit.
Recordkeeping and Reporting
<p>d) A Semi-Annual Monitoring Report shall be filed with NMED in accordance with the general reporting schedule listed in Table B1. Each Semi-Annual Monitoring Report shall contain, at a minimum, the following information:</p> <ul style="list-style-type: none"> Facility map with location and number of each well in relation to the contamination source it is intended to monitor Field parameter measurements and parameter stabilization log

Table B5
Groundwater Monitoring Wells

- Analytical results (including the laboratory quality assurance and quality control summary report)

B103 Facility: Conditions for Closure

- A. For permanent closure, the following closure actions shall be completed upon permanent cessation of wastewater discharge:
1. Within 60 days of ceasing discharging to the impoundment(s), the line leading to the impoundment(s) shall be plugged so that a discharge can no longer occur.
 2. Within one year following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.
 - a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place.
 - b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.
 3. Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011.
 4. When all closure and post-closure requirements have been met, the Permittee may request to terminate the Discharge Permit [20.6.2.3109 NMAC, 20.6.2.3107. NMAC].

B104 Facility: Contingency Plan

- A. In the event NMED or the Permittee identifies any failures of the Discharge Permit or system not specifically noted herein, NMED may require the Permittee to develop for NMED approval a contingency or corrective action plan and schedule to cope with the failure(s) [20.6.2.3107.A(10) NMAC].
- B. Facility conditions that will invariably require Permittee action under one or more contingency plans include:
1. **Exceedance of groundwater quality standards** – In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the Permittee shall enact the following contingency plan:

Within 60 days of the subsequent sample analysis date, the Permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.

Once invoked (whether during the term of this Discharge Permit; or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.

2. **(NO MWs) Exceedance of groundwater quality standards** - In the event that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in Subsection WW of 20.6.2.7 NMAC) is present in groundwater during the term of this Discharge Permit, upon closure of the facility or during the implementation of post-closure requirements, the Permittee shall propose measures to mitigate damage from the discharge including, at a minimum, source control measures and a completion schedule by submitting a corrective action plan to NMED for approval.
3. **Ineffective groundwater monitoring well(s)** – In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*; contains insufficient water to effectively monitor groundwater quality; or is improperly located the Permittee shall install a replacement well(s) within 120 days following notification from NMED.

Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.

Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.

4. **Exceedance(s) of permitted maximum daily discharge volume** - The maximum daily discharge volume authorized by this Discharge Permit is exceeded by more than ten percent for any four average daily discharge volumes within any 12-week period the Permittee shall submit a corrective action plan to reduce the discharge volume for NMED approval.

5. **Exceedance(s) of Nitrogen Loading Limits** - In the event that the SDDS show that the amount of nitrogen in wastewater applied to [any zone within] the surface disposal area in any 12-month period exceeds 200 pounds per acre, the Permittee shall propose the reduction of nitrogen loading to the surface disposal area by submitting a corrective action plan to NMED for approval. The plan shall include a schedule for completion of corrective actions and shall be submitted within 90 days following the end of the monitoring period in which the exceedance occurred. The Permittee shall initiate implementation of the plan following approval by NMED.
6. **Insufficient impoundment capacity** – In the event a survey, capacity calculations, or settled solids thickness measurements indicate an existing impoundment is not capable of meeting the capacity the Permittee shall submit a corrective action plan for NMED approval.

The plan may include, but is not limited to, proposals for constructing an additional impoundment, reducing the discharge volume, removing accumulated solids, changing wastewater management practices, or installing an advanced treatment system. The corrective action plan shall include a schedule for implementation through completion of corrective actions. The corrective action plan schedule shall propose completion not to exceed one year from the submittal date of the initial corrective action plan. The Permittee shall initiate implementation of the plan following approval by NMED. Should the corrective action plan include removal of accumulated solids, solids shall be removed from the impoundment in a manner that is protective of the impoundment liner. The plan shall include the method of removal, and locations and methods for storage and disposal (or land application, if authorized) of the solids.

7. **Inability to maintain required freeboard** - A minimum of two feet of freeboard cannot be preserved in one or more wastewater impoundment(s).

In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment through pumping and hauling; or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The Permittee shall initiate implementation of the plan following approval by NMED.

8. **Impoundment(s) structural integrity compromised** - Any damage to the berms or the liner of an impoundment or any condition that exists that may compromise the structural integrity of the impoundment.

The Permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the Permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the Permittee shall initiate implementation of the plan following approval by NMED.

9. **Spills, leaks, unauthorized discharge** – In the event of any spill or release that is not authorized under this Discharge Permit, the permittee shall comply with the requirements of Sections 20.6.2.1203 NMAC. The permittee shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.2.1203 NMAC.
- C. The Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in Section 20.6.2.4103 NMAC within 180 days of confirmation of groundwater contamination.

PART C GENERAL TERMS AND CONDITIONS

C100 Legal

- A. Nothing in this Discharge Permit in any way, relieves the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].
- B. Pursuant to Section 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of Section 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and NMED may require more stringent actions to protect groundwater quality. NMED may require the Permittee to implement abatement of water pollution and remediate groundwater quality.
- C. Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the 20.6.2 NMAC, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]
- D. Pursuant to WQA 74-6-10.2(A-F), NMED may assess criminal penalties for any person who knowingly violates or knowingly causes or allows another person to:

1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
 2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
 3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.
- E. The Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC, prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to Subsection B of 20.6.2.3111 NMAC. Submit to NMED notification of the transfer within 30 days of the ownership transfer date. [20.6.2.3111 NMAC]
- F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

C101 General Inspection and Entry Requirements

- A. Nothing in this Discharge Permit limits in any way, the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]
- B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:
1. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
 4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

C102 General Record Keeping and Reporting Requirements

- A. The Permittee shall maintain a written record of the following:
1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
 2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per Section A of 20.6.2.3107 NMAC, this record shall include:
 - a. Repair, replacement or calibration of any monitoring equipment
 - b. Repair or replacement of any equipment used in the Permittee's waste or wastewater treatment and disposal system.
 3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]
- B. The Permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:
1. The dates, exact place and times of sampling or field measurements;
 2. The name and job title of the individuals who performed each sample collection or field measurement;
 3. The date of the analysis of each sample;
 4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
 5. The analytical technique or method used to analyze each sample or take each field measurement;
 6. The results of each analysis or field measurement, including raw data;
 7. The results of any split sampling, spikes or repeat sampling; and
 8. A description of the quality assurance (QA) and quality control (QC) procedures used.
- C. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

C103 Modifications and/or Amendments

- A. The Permittee shall notify NMED of any changes to the Permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The Permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].

- B. The Permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The Permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]

Part D MISCELLANEOUS

D100 Acronyms

CL.....	chloride
CQA	construction quality assurance
CQC.....	construction quality control
DP	discharge permit
FEMA.....	Federal Emergency Management Administration
FIRM	flood insurance rate map
gpd	gallon per day
LADS.....	land application data sheet(s)
mg/L.....	milligram per liter
mL.....	milliliters
NMAC.....	New Mexico Administrative Code
NMED	New Mexico Environment Department
NMSA	New Mexico Statutes Annotated
NO ₃ -N	nitrate as nitrogen
SDDS.....	surface disposal data sheet(s)
TDS	total dissolved solids
TKN.....	total Kjeldahl nitrogen
WQA.....	New Mexico Water Quality Act
WQCC.....	Water Quality Control Commission